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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/740,072  | 12/18/2003  | Michael L. Howard    | 2291.2.19.1         | 2131             |
| 21552   | 7590        | 10/05/2005           | EXAMINER            |                  |
| MADSON & METCALF<br>GATEWAY TOWER WEST<br>SUITE 900<br>15 WEST SOUTH TEMPLE<br>SALT LAKE CITY, UT 84101 |             |                      | WOO, STELLA L       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2643                |                  |
| DATE MAILED: 10/05/2005   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/740,072 | Applicant(s)<br>HOWARD ET AL. |  |
|                              | Examiner<br>Stella L. Woo     | Art Unit<br>2643              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Terminal Disclaimer***

1. The terminal disclaimer filed on July 11, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,697,466 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-6, 8-10, 12-15, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al. (US 5,987,105, hereinafter "Jenkins").

Regarding claims 1-2, 9-10, 15, Jenkins discloses an embedded device (within home appliance 1; Figure 1), the embedded device comprising:

a processor (controller 2);

an input button (key on the user interface panel; col. 4, lines 61-63);

a speaker (speaker 5; col. 3, lines 47-55);

memory (memory device 4 stores software and status data; col. 3, lines 31-32, 36-44);

an identification (serial number is stored in memory; col. 3, lines 37-40);  
and

an audio output generator stored in the memory (executing software stored memory device 4 is used by controller 2 to energize speaker 5 to produce audible tones encoded with status information, which includes the device's serial number, stored in memory device 4; col. 3, lines 29-60).

Regarding claims 4-6, 12-14, the status data can be whether the drain pump is on, the hot water valve is open, serial number, number of cycles completed, alerts, errors, faults, etc. (col. 3, lines 35-40).

Regarding claims 8 and 17, home appliance 1 can be washing machine, refrigerator, freezer, clothes dryer, dishwasher, stove, microwave ovens, etc. (col. 3, lines 18-25).

Regarding claims 9-10, 15, Jenkins additionally discloses an audio status collector (service center 6) comprising:

an audio decoder (personal computer 13 executes software which enables it to decode the audio electric signals; col. 4, lines 30-33);

a communications module (signal conditioning circuit 15); and

an audio decoding table (Table 1; col. 6, lines 22-34).

Regarding claim 18, note PSTN 12.

Regarding claims 19-20, a cellular telephone can be used at the appliance site in the same manner as handset 9 to transmit the audible data signal generated by loudspeaker 5.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Merriam et al. (US 5,311,581, hereinafter "Merriam").

Jenkins differs from claims 3 and 11 in that it does not specify the signal tones as being DTMF tones. However, Merriam teaches the well known use of DTMF tones (Abstract) to transmit status information such that it would have been obvious to an artisan of ordinary skill to incorporate such use of DTMF tones, as taught by Merriam, within the system of Jenkins for outputting the audible signals.

6. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Reeder et al. (US 5,729,596, hereinafter "Reeder").

Jenkins differs from claims 7 and 16 in that it does not specify the home appliance as being a television. However, Reeder teaches that it is well known to communicate data from a television as well as a washing machine or microwave oven (identify code from TV 1b as well from WM 1d or  $\mu$ W 1e) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a home appliance such as a television, as taught by Reeder, within system of Jenkins.

### ***Response to Arguments***

7. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive. Applicant argues that Jenkins does not disclose "an identification for identifying the embedded device wherein the identification is stored in memory." However, Jenkins clearly teaches storing the device's serial number along with status data in memory device 4 (col. 3, lines 35-40) and transmitting the information stored in the memory device 4 to the service center (col. 4, lines 16-20).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, cursive script.

Stella L. Woo  
Primary Examiner  
Art Unit 2643